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9 Attorneys for Defendants/Third-Party Plaintiffs Maryland Square
10 Shopping Center, LLC, the Herman Kishner Trust d/b/a Maryland
11 Square Shopping Center, Irwin Kishner, Jerry Engel, and Premier
Trust, as Trustees for The Herman Kishner Trust

12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14 PETER J. VOGGENTHALER; et. al.
15 Plaintiffs,
16 vs.
17 MARYLAND SQUARE, LLC; et. al.
18 Defendants.

19 AND RELATED CROSS AND THIRD
20 PARTY CLAIMS

21 STATE OF NEVADA, DEPT. OF
22 CONSERVATION AND NATURAL
23 RESOURCES, et. al.

24 Plaintiff,
25 vs.
26 MARYLAND SQUARE SHOPPING
27 CENTER, LLC, et. al.
28 Defendants.

AND RELATED THIRD PARTY CLAIMS

Case No.: 2:08-cv-1618-RCJ-(GWF)

**PLAINTIFF STATE OF NEVADA,
DIVISION OF ENVIRONMENTAL
PROTECTION, AND DEFENDANTS
/THIRD-PARTY PLAINTIFFS MARYLAND
SQUARE SHOPPING CENTER, LLC, THE
HERMAN KISHNER TRUST D/B/A
MARYLAND SQUARE SHOPPING
CENTER, IRWIN KISHNER, JERRY
ENGEL, AND PREMIER TRUST, AS
TRUSTEES FOR THE HERMAN KISHNER
TRUST; DEFENDANTS PATRICIA
LEIBOVICI, IN HER CAPACITY AS
SPECIAL ADMINISTRATOR OF THE
ESTATE OF MELVIN SHAPIRO, ESTATE
OF PHILLIP SHAPIRO, AND SHAPIRO
BROTHERS INVESTMENT CO.;
DEFENDANT MARYLAND SQUARE,
LLC'S STIPULATION; and**

**[PROPOSED] ORDER TO DISMISS
CERTAIN CLAIMS, WITH PREJUDICE**

CONSOLIDATED WITH:

Case No.: 3:09-cv-231-RCJ-GWF

RECITALS

2 WHEREAS a certain Settlement Agreement and Release (“Agreement”) was entered into
3 by and among The Herman Kishner Trust, Irwin Kishner, as Trustee for The Herman Kishner
4 Trust, Jerry Engel, as Trustee for The Herman Kishner Trust, Premier Trust, as Trustee for The
5 Herman Kishner Trust, and Maryland Square Shopping Center Limited Liability Company
6 (collectively, the “Kishner Parties”) and Patricia Leibovici, as Special Administrator of the
7 Estate of Melvin Shapiro, Edward Foster, as Special Administrator of the Estate of Philip
8 Shapiro, and Florence Shapiro (collectively, the “Shapiro Parties”) and Maryland Square, LLC,
9 and the State of Nevada, Department of Conservation and Natural Resources, Division of
10 Environmental Protection, Bureau of Corrective Actions (“NDEP”) (collectively the “Parties”).

11 WHEREAS upon completion of a condition precedent the Agreement requires the Parties
12 to seek dismissals of certain claims in this consolidated matter.

STIPULATION

14 IT IS HEREBY STIPULATED AND AGREED by and between the Parties and their
15 respective counsel of record that the following claims and/or cross claims shall be dismissed with
16 prejudice and each party bearing its own costs, attorneys' fees and expenses:

17 (1) All claims and/or cross-claims filed by the Kishner Parties, Maryland Square,
18 LLC or NDEP as against any of the Shapiro Parties in this consolidated
19 matter; and

20 (2) All claims and/or cross-claims filed by the Shapiro Parties, Al Phillips The
21 Cleaner, Inc. or Shapiro Bros. Investment Co. against any of the Kishner
22 Parties or Maryland Square, LLC in this consolidated matter.

23 IT IS SO STIPULATED.

24 | DATED: July 11, 2014

DONGELL LAWRENCE FINNEY LLP

By: /s/Thomas F. Vandenburg
Thomas F. Vandenburg

Thomas P. Vandenberg
Attorneys for Defendants Maryland Square
Shopping Center, LLC, the Herman Kishner Trust
d/b/a Maryland Square Shopping Center, Irwin
Kishner, Jerry Engel, and Bank of America, as
Trustees for The Herman Kishner Trust

1 DATED: July 11, 2014

NEIL J. BELLER, LTD.

2 By: /s/Neil J. Beller
Neil J. Beller

3 Attorneys for Defendants Patricia Leibovici, in her
4 capacity as Special Administrator of the Estate of
5 Melvin Shapiro, Estate of Phillip Shapiro, and
6 Shapiro Brothers Investment Co.

6 DATED: July 11, 2014

LAWSON & WEITZEN, LLP

7 By: /s/Franklin H. Levy
Franklin H. Levy

8 Attorneys for Defendant Maryland Square, LLC

9 DATED: July 11, 2014

10 CATHERINE CORTEZ MASTO
Attorney General

11 By: /s/Wayne Klomp
Wayne Klomp

12 Deputy Attorney General
13 Attorneys for Plaintiff State of Nevada, Division of
14 Environmental Protection

15 **ORDER**

16 IT IS SO ORDERED.

17 Dated: July ____, 2014

18 **U.S. DISTRICT/MAGISTRATE JUDGE**

20 **CERTIFICATE OF SERVICE BY E-FILING**

21 I hereby certify that service of the foregoing Plaintiff State Of Nevada, Division Of
22 Environmental Protection, And Defendants /Third-Party Plaintiffs Maryland Square Shopping
23 Center, LLC, The Herman Kishner Trust D/B/A Maryland Square Shopping Center, Irwin
24 Kishner, Jerry Engel, And Premier Trust, As Trustees For The Herman Kishner Trust;
25 Defendants Patricia Leibovici, In Her Capacity As Special Administrator Of The Estate Of
26 Melvin Shapiro, Estate Of Phillip Shapiro, And Shapiro Brothers Investment Co.; Defendant
27 Maryland Square, LLC's Stipulation And [Proposed] Order To Dismiss Certain Claims, With
28 Prejudice was by e-filing with the Court's CM/ECF system, duly noting that on prior e-filings,

1 all of the other parties have been noted as receiving copies from the Court by e-filing and have
2 consented to be served in that manner.

3 Dated: July 11, 2014.

4 /s/ Britney Robinson

5 Employee of LAW OFFICES OF STEVEN J. PARSONS

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